

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Commonwealth of Pennsylvania, )  
By Attorney General Josh Shapiro )  
Plaintiff, ) Case No. 3:17-cv-01814-RDM  
v. ) (Hon. Robert D. Mariani)  
Navient Corporation, *et al.*, )  
Defendants. ) DEFENDANTS' NOTICE OF  
 ) SUPPLEMENTAL AUTHORITY  
 ) Electronically Filed  
 )

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Yesterday, in a nearly identical case by the Attorney General of Illinois against Navient, the court reconsidered its 2018 denial of Navient's motion to dismiss, citing *Pennsylvania v. Navient Corp.*, 967 F.3d 273 (3d Cir. 2020) and a Seventh Circuit decision, both of which "remanded for an allegation-by-allegation examination" regarding preemption under 20 U.S.C. § 1098g. Ex. A at 17. The court conducted that examination, and dismissed Illinois's claim that Navient violated state law by "'failing to disclose' options beside forbearance" in phone calls with borrowers. *Id.* at 19. That is equivalent to dismissing ¶177(b) of the State's complaint here.

Dated: July 13, 2021

Respectfully submitted,

/s/ Daniel T. Brier

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Navient Corporation and  
Navient Solutions, LLC*

**CERTIFICATE OF SERVICE**

I, Daniel T. Brier, hereby certify that, on July 13, 2021, I filed the foregoing Notice of Supplemental Authority via the CM/ECF system, which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Daniel T. Brier  
Daniel T. Brier